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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Tokelau

Working paper prepared by the Secretariat

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I. General

1. Tokelau,[1] a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the South Pacific (Fakaofo, Nukunonu and Atafu), with a total area of approximately 12.2 square kilometres. Fakaofo is the southernmost atoll; Nukunonu is nearly 50 kilometres away and Atafu nearly 100 kilometres from Nukunonu. Each atoll comprises strips of land no more than 200 metres wide and never more than 5 metres above sea level. Samoa, 480 kilometres to the south, is the nearest sizeable neighbour.

2. Tokelauans are Polynesians with linguistic, family and cultural links with Samoa. The last five-yearly census, conducted on 11 October 2001, recorded a population of 1,518, a slight increase over the 1996 figure of 1,507 people. This figure includes all those present on census night plus those who usually reside in Tokelau but were overseas temporarily in government employment or for educational and medical reasons — a frequent occurrence in this Territory. By atoll, the population was recorded as follows: Atafu, 608; Fakaofo, 501; Nukunonu, 409. The constraints of atoll life and limited opportunities have led some 6,000 Tokelauans to settle abroad, mainly in New Zealand and Samoa.

3. There has never been a New Zealand representative resident in the Territory. The New Zealand official who deals with Tokelau is the Administrator, appointed by the Minister for Foreign Affairs and Trade. In March 2003, a new Administrator, Neil Walter, was appointed. In the past, there was also a Public Services Commissioner for Tokelau, a delegate of the State Services Commissioner. The last Public Services Commissioner, Aleki Silao, a New Zealand-based Tokelauan, remained in his post until 30 June 2001, when responsibility for public services was transferred to the Territory (see para. 24 below).

4. In August 2002, a Mission of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples visited Tokelau and New Zealand at the invitation of the Government of New Zealand and the people of Tokelau. It was the first mission of this kind since 1994. The report of the Mission (A/AC.109/2002/31), which includes information on the Territory's current situation, an account of meetings, and conclusions and recommendations, was issued in September 2002.

II. Constitutional and political developments

5. As reported in previous working papers on the question of Tokelau (see A/AC.109/2001/5, A/AC.109/2002/6 and A/AC.109/2003/10), the current process of constitutional development stems from the 1998 decision by the General Fono (the national representative body) to endorse a comprehensive report entitled "Modern House of Tokelau", which addressed the core issue for Tokelau in creating a constitutional framework: how to construct a self-governing nation based on the atoll or village structure.

6. Regarding the legislative structure, in accordance with recommendations made in the 1998 Modern House report, a new electoral system was instituted for the General Fono. In the past, the 27-seat General Fono was made up of members chosen by each village's Taupulega (Council of Elders or Village Council) to serve three-year terms; only the Faipule (the representative of each village) and the

Pulenuku (the mayor of each village) were elected. In January 1999, elections for a reformed General Fono, made up of six members from each village (18 altogether), were held on the basis of universal suffrage. Each village first elected four officials: Faipule, Pulenuku, Deputy Faipule and Deputy Pulenuku. Next, it elected two delegates nominated by designated groups in the village: women and the aumaga (the workforce of able-bodied men). The newly elected General Fono reflected a generational change in membership. Delegates were younger and had received more formal education than before. In addition, whereas in the past membership in the General Fono was rotational in nature, several of the new delegates had served previously.

7. In November 2001, it was decided that representation within the Fono would be changed based on the results of the 2001 census. This meant that for the first time in the history of the General Fono, the three atolls would not be represented by the same number of delegates, but would have legislative seats proportional to the size of their population. Thus, replacing the former structure of 18 members (6 per atoll), the new General Fono has 21 members, giving Atafu 8 delegates, Fakaofo 7 and Nukunonu 6. The triennial elections for Faipule and other General Fono delegates were held from 16 to 22 January 2002. Each of the three incumbent Faipule was re-elected. Among the elected delegates, 11 of them (more than half the composition of the General Fono) have not held office before. The position of Ulu-o-Tokelau (titular head of the Territory) rotates annually among the three Faipule. In January 2003, Fakaofo's Faipule, Kolouei O'Brien, was installed as Ulu for 2003. In January 2004, Atafu's Faipule, Patuki Isaako, took over the post.

8. The issue of representation within the Fono was again reviewed at the October 2003 meeting of its Special Committee on the Constitution and by the November 2003 General Fono. It was decided to maintain the existing arrangements for the time being. At the same meeting in October, decisions were taken to endorse the current powers of the General Fono and to appoint an independent Chairperson of the General Fono, on an annual rotating basis.

9. The November 2003 General Fono also took a number of decisions relating to Tokelau's legislative framework. New laws were passed on a range of issues, including dangerous goods, criminal proceedings, business incorporation rules, biosecurity regulations, health regulations, land ownership and the role of Law Commissioners. The General Fono enacted rules concerning Tokelau's observance of international human rights norms and standards. It also renamed the Council of Faipule the Council for Ongoing Government and expanded its membership to include the Pulenuku from each of the three villages.

10. Initial studies on a Tokelauan Constitution were conducted in the mid-1990s and a "first glimpse" draft paper was published in 1997, in both Tokelauan and English. In November 2003, the General Fono adopted a paper recommended by its Special Committee on the Constitution which brought together all the main elements currently expected to be in an eventual Constitution. That followed an extensive process of consultation conducted by the Tokelau public service on all three atolls. The paper draws upon customary practice, the written rules of the General Fono and parts of New Zealand law. The draft paper will be further developed as new governance structures for the villages and the nation are determined. It will also form part of the dialogue between Tokelau and New Zealand on Tokelau's future political status.

11. At its meeting in June 2003, the General Fono agreed that the three Village Councils should assume full responsibility for all the public services on their atoll, and set a target date of 30 June 2004 for the achievement of that objective. The decision stemmed from the earlier agreement on an approach known as the Modern House of Tokelau whereby the traditional Council of Elders on each atoll should serve as the foundation for a future governance structure. Under that arrangement, the three Councils would delegate authority to the General Fono for those activities to be managed at the national level. The Administrator was asked to conduct a review of Tokelau's public services to ensure that the villages and nation were suitably equipped to handle their new responsibilities. A Commission of Enquiry was conducted in September/October 2003 to that end. The review team spent 10 weeks in Tokelau consulting with all interested parties. Its report, which contains a number of recommendations relating to the future shape and functioning of Tokelau's public services, was adopted by the January 2004 General Fono, and action is now under way on its implementation.

12. At the same General Fono meeting, it was agreed that the activities previously undertaken under the Modern House project aimed essentially at strengthening governance systems, boosting capability and enhancing economic development would henceforth be mainstreamed and run as part of the overall annual budget and planning process. It was also agreed that from 1 July 2003, Tokelau would be responsible for its full budget. Previously, the economic support provided by New Zealand had been divided into a budgetary support grant on the one hand and development assistance projects administered by New Zealand's Agency for International Development on the other hand. Tokelau's budget for 2003/04 was adjusted accordingly. The remaining aspect of the Modern House project, known as "Friends of Tokelau" — i.e., keeping Tokelau's communities in New Zealand and other interested parties informed of developments — is now being handled by the Tokelau Liaison Office in Apia and the strengthened Tokelau Unit in Wellington. The Tokelau Unit has also been designated the official coordinating point for all Tokelau activities undertaken by the New Zealand Government, in order to ensure policy coherence and practical coordination.

13. The status of Tokelau's institutions of government and its constitutional and legal development were discussed during the Special Committee's Mission to Tokelau and New Zealand in August 2002. In its report (A/AC.109/2002/31), the Mission summarized these discussions and made recommendations to further advance the self-determination process. During the Mission's stay in Wellington, the representatives of New Zealand noted that consultations with Tokelau on a relationship framework were expected to begin later in 2002 in order to make explicit the basis and parameters of the relationship between them. It was anticipated that these consultations would:

(a) Reconfirm Tokelau and New Zealand's ongoing commitment and responsibilities to one another;

(b) Identify the values and principles that are the foundation for New Zealand and Tokelau's relationship;

(c) Confirm the terms under which New Zealand will provide ongoing economic and administrative assistance to Tokelau;

(d) Identify the principles underpinning such issues as Tokelau's security and defence, Tokelau's participation in regional and international affairs, the role of the Tokelauan community in New Zealand, and the decolonization process;

(e) Institute more structured communication and liaison between Tokelau and New Zealand so that issues concerning both parties can be addressed more strategically and systematically in the future.

14. The first discussions on a new relationship framework were held in Wellington in December 2002. Following further consultations, a Principles of Partnership statement was agreed upon by the June 2003 General Fono and subsequently approved by the New Zealand Government. A formal signing ceremony was held in Tokelau in November 2003, in the presence of New Zealand's Governor-General. The Partnership agreement provides the medium- to long-term context in which work can be carried forward on Tokelau's constitutional and other developments. The document addresses the management of the partnership, self-determination for Tokelau, Tokelau's language and culture, New Zealand citizenship, shared values, economic and administrative assistance, coordination of services to Tokelau, defence and security, foreign affairs, and the Tokelauan community in New Zealand. At the same time, the New Zealand Government approved a support scheme for Tokelau known as the administrative assistance scheme. The essence of the scheme is that all New Zealand government agencies are now formally instructed to consider providing assistance to Tokelau within their sphere of responsibility. Arrangements have been made for the Tokelau Unit in Wellington to act as liaison and coordination point for the scheme. Activities are already under way in the areas of health, education and fisheries.

15. In November 2003, the General Fono took a formal decision, by consensus and with the support of all three Village Councils, to "endorse self-government in free association with New Zealand as the choice now to be actively explored with the New Zealand Government". That was based on a recommendation of the Special Committee on the Constitution, which in turn was based on extensive consultations held in each atoll earlier in the year. The meeting of the Special Committee on the Constitution was greatly assisted by funding provided by the United Nations Development Programme (UNDP) for this exercise.

16. Agreement was reached at the January 2004 General Fono on the steps to be taken to give effect to this decision. These include senior official discussions in Wellington in April 2004, discussions during the Pacific Regional Seminar in May 2004, of the Special Committee on decolonization, followed by consultations in New York in June 2004 during the meetings of the Special Committee on decolonization, as well as a visit to New Zealand by the Council for Ongoing Government in October/November 2004.

External relations

17. As spelled out in paragraphs 9 and 10 of the Principles of Partnership statement, Tokelau as a Non-Self-Governing Territory currently has insufficient international legal personality to enter into formal international legal obligations in its own right. New Zealand is responsible for entering into any such obligations on Tokelau's behalf, after consulting with Tokelau as to its wishes. Tokelau participates in regional and international organizations in its own right to the extent that those organizations provide for such participation. For example, Tokelau is a member of

the Forum Fisheries Agency and the South Pacific Community and is an Associate Member of the United Nations Educational, Scientific and Cultural Organization. In March 2003, the first formal visit by a Samoan Prime Minister to Tokelau took place, and a memorandum of understanding was signed, in which they agreed on an annual programme of activities in areas such as education, shipping, and economic cooperation. In April 2003, the Director-General of the Secretariat of the Pacific Community visited Tokelau. One outcome of that visit was that a senior member of the Secretariat of the Pacific Community would act as a focal point for Tokelau programme activities, focusing on community health, youth, women, fisheries and cultural development. The resident representative of UNDP also paid a visit to Tokelau during that time. In November 2003, since Tokelau could not sign treaties in its own right, Tokelau, on behalf of New Zealand, and France signed an Agreement on the Delimitation of the Maritime Boundaries between Wallis and Futuna and Tokelau.

III. Economic conditions

A. Economic developments

18. Traditional and communal values and practices play a key role in contributing to a state of general well-being and equity in the Territory, as evidenced by the redistribution principles of traditional wealth (the inati system) and the importance attached to upholding the concept of the family and/or the extended family. The tradition of inati requires the deposition at a central location of food and produce, which are then apportioned by the distributors on the basis of "share groups". The principle provides for a secure distribution system that caters to the needs of every member of the community, including the elderly, widows, single parents and children. Major constraints on economic growth include natural disadvantages, such as the small size of Tokelau, isolation, the geographical spread of the atolls, limited and poor natural resources and proneness to natural disasters (such as cyclones). Tokelau's economic stability has so far been made possible by the high levels of assistance provided by the administering Power.

19. Tokelau's national budget for 2003-2004 was set at NZ$ 8.6 million. The full budget is now under Tokelau's control (previously it controlled the budgetary support element but not the project assistance funds).[2] New Zealand continues to be the primary source of economic support. In June 2003 the General Fono took decisions on its budgetary allocations for the 2003/2004 financial year. New Zealand provided additional one-off grants totalling NZ$ 650,000 to improve shipping services, accelerate public building maintenance programmes and strengthen health and education services.

20. At their August 2002 meeting, Tokelau and New Zealand also reaffirmed their commitment to establishing a Trust Fund that is expected, in time, to assure a long-term independent income for Tokelau.

21. While the bulk of development assistance to Tokelau has been bilateral support from New Zealand, UNDP also contributes from its office in Apia, Samoa, to the strengthening of the Territory's social and economic capabilities as it moves towards greater self-government and self-reliance. Some of the milestones in UNDP's relationship with Tokelau have been the first telephone connection in the

Territory in 1997, building sea walls after a cyclone, and its early and ongoing support to the Modern House project. Within the Tokelau/UNDP country cooperation framework for 1998-2002,[3] UNDP provided funding of US$ 214,000 in direct support to the Modern House project which focused on macro-level financial management and strategic economic planning. Other projects included the US$ 148,000 job creation and sustainable livelihoods project, implemented by the International Labour Organization, and the US$ 150,000 household income and expenditure survey, which provided data on the needs of vulnerable sectors (youth, women, children, the elderly and the disabled). In August 2002, when the UNDP resident representative accompanied the United Nations Visiting Mission to Tokelau, she introduced the new Tokelau/UNDP country programme for 2003-2007, which is expected to invest over US$ 0.5 million per year over the next five years. According to the representative, it will again focus on support for the Modern House project, with grant assistance in two areas: governance and sustainable development. Under governance, support will continue for capacity-building and training. Under sustainable development, UNDP will support development projects, such as microenterprise projects for women and skills training for youth; a comprehensive assessment of fishing resources to strengthen the fisheries industry; and environmental management projects, including reducing reliance on fossil fuels by building solar energy units and improving fuel storage and protection against oil spills. While Tokelau does not qualify for funding under the Global Environment Facility (GEF) owing to its non-self-governing status, UNDP is exploring ways in which Tokelau could benefit from regional GEF projects. The representative also noted UNDP's willingness to assist the Territory should a study to review the options for its future self-determination be requested by Tokelau.

22. Tokelau has agreed to appoint a Director of Economic Development and Environment. This will strengthen the governance project's economic dimension and be aimed at expanding economic and social opportunities, thereby increasing the village and national revenue base and, thus, Tokelau's self-reliance.

23. Regarding commercial fisheries, under the 1987 Treaty on Fisheries between the Governments of certain Pacific Islands and the Government of the United States of America (also known as the United States Tuna Treaty), Tokelau earns fees paid by United States vessels fishing in its exclusive economic zone. Thus, Tokelau earned US$ 506,308 in fishing fees during 2001/2002. The return in 2003/2004 has, however, fallen sharply. In addition, Tokelau is seeking to conduct an audit of its maritime resources and to develop its own commercial fishing capacities. As part of this process, the Territory asked for assistance from the Pacific Islands Forum Fisheries Agency and in 2002 the Territory acceded to associate membership in the Agency.

B. Public services

24. Public services in the Territory used to be administered by the Tokelau Public Service, under the management of the New Zealand State Services Commissioner. While this was seen as the administering Power's best endeavour in the 1970s to provide services in education, health, energy, transport and communications, by the 1990s both the New Zealand and Tokelauan authorities agreed that the Tokelau Public Service produced a management structure that emphasized national arrangements over village ones, weakening, in the process, the institution of the

village. In July 1998, at the request of the territorial Government, a New Zealand-based Tokelauan was appointed Tokelau Public Service Commissioner to ensure the effective running of the existing Service and to assist Tokelau in developing and implementing a new independent public service that would fit within the Modern House project. The Government of New Zealand passed legislation to enable responsibility for the Service to be passed to Tokelau. In February 2001, the General Fono established a three-member Tokelau Employment Commission (one member designated by each village) as the successor body, effective 1 July 2001. As a result of the 2003 Commission of Enquiry, that body has now been dissolved. In future its duties will be discharged by Tokelau's senior public servants, acting under delegation from the village and national political authorities.

C. Transport and communications

25. Tokelau has no airstrips and until recently its main transportation option was that provided by a single vessel, the *MV Tokelau*, a mail ship with limited cargo and passenger capacity that provided service every two weeks between Tokelau and Apia, as well as inter-atoll services. The United Nations Mission that visited the Territory in August 2002 concluded that the lack of transportation options was one of the greatest drawbacks to economic development in the Territory and recommended that serious consideration be given to the establishment of a dedicated inter-atoll ferry and an airstrip on one of the atolls. In 2003/2004 additional funding was provided by New Zealand to support the more frequent use of larger vessels, under charter from the Samoa Shipping Corporation, for the Apia/Tokelau service. This funding is to be further boosted as from the 2004/2005 year.

26. The first use of the General Fono's legislative power was the establishment of the Telecommunications Tokelau Corporation under the Tokelau Telecommunications Rules of 1996. The NZ$ 4 million international telecommunication service was inaugurated in April 1997 and is contributing to the Territory's progress towards self-determination by facilitating Tokelau's contact with the outside world. Previously, Tokelau had to rely on short-wave links to Samoa. Of the total cost, New Zealand contributed NZ$ 1.5 million and Tokelau NZ$ 1.6 million. UNDP and the International Telecommunication Union provided the balance. In February 2002, FM radio stations were inaugurated on each of the three atolls with funding from the New Zealand Agency for International Development. Currently, they operate independently, but there are plans to link them at least once a week for a national programme. The new radio stations are seen as an excellent means of maintaining the Territory's cultural heritage as well as a way of facilitating communication on community matters. In addition, they provide a way to increase transparency in political, social and economic developments as they broadcast meetings of the Mayor and Council of Elders on each atoll. Tokelau also has a web site, www.dot.tk, which became operational on 15 January 2002 and offers both free and paid dot.tk domain names. The web site is the result of a commercial licensing agreement between the Telecommunications Tokelau Corporation and a private company which set up Taloha Inc. It is seen as having the potential to provide revenue to the Territory without any capital outlay by the Telecommunications Tokelau Corporation.[4]

D. Power supply

27. The 2001-2002 New Zealand Agency for International Development forward aid programme allocated NZ$ 400,000 to continue the installation of diesel generation systems on all three atolls. In August 2002, it was reported that 24-hour diesel power was available on two of the three atolls and that installations on the third atoll would be completed before the end of the year. It was agreed that a further allocation of NZ$ 300,000 would be made and that the current tariffs for power consumption on each atoll would be retained and reviewed after one year, once operational and maintenance costs were known. Following discussions between the Agency and UNDP, there is also a project for a solar power (photovoltaic) component to the new system, which UNDP and the United Nations Educational, Scientific and Cultural Organization have agreed to manage with partial funding from France.

IV. Social conditions

A. Education

28. Under Tokelau's compulsory education system, primary and secondary education are available to everyone. As a member of the University of the South Pacific, Tokelau also has access to the USPNet educational telecommunications system through a satellite established in Atafu. However, the low standard of the education system remains a problem, with many families migrating to New Zealand or Samoa in order for their children to receive higher-quality education. In 2002-2003 NZ$ 178,000 was allocated for scholarships and NZ$ 230,000 for new education initiatives. Meanwhile, a 2002 study on Tokelau's education system has recommended immediate technical support for Tokelau's Education Department and the development of a comprehensive strategy to shape the future direction of schooling in the Territory. Tokelau and New Zealand have agreed to act urgently on these recommendations. Additional funding was allocated in 2003/2004 to remedy the problems, and a senior Education Adviser is expected to be appointed in March 2004.

B. Health

29. Average life expectancy is 69 years.[5] There are three basic hospitals, one on each atoll. However, the shortage of qualified medical practitioners and general health-care workers, as well as the maintenance of installations and equipment, remain a serious problem. In addition, the need to transfer the more serious cases to Samoa or New Zealand for treatment represents a large expense in the national budget. A New Zealand-based doctor provides support to the Tokelau Health Department and coordinates the provision of locum doctors, medical referrals to New Zealand, training and equipment purchases. The 2002-2003 health allocation was NZ$ 390,000, but an August 2002 review of the health project confirmed the need for action by both parties to address numerous concerns over the provision of medical services on the atolls. The World Health Organization (WHO), of which Tokelau is an associate member, reports that changes in lifestyle and an increase in non-communicable diseases in Tokelau have resulted in the need for health

education programmes focused mainly on the promotion of non-smoking, increasing physical activity and controlling the use of alcohol among young people.[6] Further data regarding WHO's Tokelau projects is to be found in the Report of the Mission to Tokelau (A/AC.109/2002/31, para. 32). Following discussions in the January 2004 General Fono, an action plan is being prepared to improve the standard of Tokelau's health services. The plan includes the appointment of a Health Services Coordinator based in New Zealand.

C. Status of women

30. Women are well integrated in Tokelauan society. They participate in the village decision-making process, through Fatupaepae (women's committees), the village Councils of Elders and their membership in the General Fono. The new electoral system for the General Fono has increased gender equity. Women elected to the General Fono no longer function as the representative of the women's committee, but are responsible for representing all the people of the village. A number of women who addressed the United Nations Visiting Mission in August 2002 mentioned that there had been considerable social progress in recent years, namely, governance projects to assist the elders in making decisions, FM radio to disseminate these decisions, and greater support for women's handicraft projects and youth training centres. Nonetheless, they also called for greater support for job creation in order to reduce Tokelau's future dependency on outside aid (see A/AC.109/2002/31, para. 23). The 2002-2003 New Zealand Agency for International Development allocation for gender and development remained at NZ$ 30,000, part of which will be used to cover the cost of a programmed national women's meeting.

V. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

31. The Special Committee considered the question of Tokelau at its 10th meeting, on 23 June 2003 (see A/AC.109/2003/SR.10). Statements were made at that meeting by the Administrator of Tokelau, the Ulu-o-Tokelau and the representatives of Antigua and Barbuda, Bolivia, Chile, Côte d'Ivoire and Grenada. The representative of Papua New Guinea introduced oral amendments to draft resolution A/AC.109/2003/L.11, introduced by Fiji and Papua New Guinea. The Committee adopted the draft resolution as orally amended, without a vote (A/AC.109/2003/26).

B. Special Political and Decolonization Committee (Fourth Committee)

32. At its 2nd meeting, on 6 October 2003, the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly heard statements by the Rapporteur and the Acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting

of Independence to Colonial Countries and Peoples, in which they referred to the year's developments regarding Tokelau (see A/C.4/58/SR.2).

33. At its 3rd meeting, on 7 October 2003 (see A/C.4/58/SR.3), the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly heard a statement by the Permanent Representative of New Zealand to the United Nations (see paras. 35 and 36 below). At the same meeting, the representatives of Timor-Leste and Papua New Guinea made statements in which they commended the New Zealand Government for its exemplary cooperation with the Special Committee. At its 7th meeting, on 14 October 2003, the Committee adopted draft resolution V contained in the report of the Special Committee (A/58/23 (Part III), chap. XII), entitled "Question of Tokelau", without a vote.

C. Action by the General Assembly

34. At the 72nd meeting of the fifty-eighth session of the General Assembly (see A/58/PV.72), held on 9 December 2003, the Rapporteur of the Special Committee reviewed the Special Committee's work during 2003 and introduced the report of the Special Committee (A/58/23). With regard to Tokelau, he stated that the report noted the continuation of fruitful meetings between the representatives of New Zealand and Tokelau. On 9 December 2003, the Assembly adopted its resolution 58/107 on the question of Tokelau without a vote. It also adopted resolution 58/111 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, paragraph 7 of which refers to Tokelau.

VI. Future status of the Territory

A. Position of the administering Power

35. Speaking before the Special Committee on Decolonization at its 10th and concluding meeting for 2003 (see A/AC.109/2003/SR.10), the Administrator of Tokelau said that the past year had seen Tokelau make further significant advances both in its political evolution and in the management of its national and regional interests. On the political front, the General Fono had taken charge of Tokelau's budget and had decided on key developmental objectives and priorities for the 2003-2004 financial year. Agreement had also been reached with New Zealand on the Principles of Partnership. The agreement, which would shortly be put before the New Zealand Cabinet, committed New Zealand to the ongoing provision of economic and technical support and outlined the way in which the two partners would work together for Tokelau's benefit. He said a constitutional convention would be held later in the year to discuss the future direction of Tokelau's political development. The General Fono had set a target date of June 2004 for the devolution of authority over public services in each atoll to the village council or Taupulega, thus realizing a major objective of the Modern House of Tokelau concept. At Tokelau's request, the New Zealand Government had increased its level of economic support for the coming years, and would pay particular attention to the designated priority areas of economic and health services. Additional efforts would go into transportation and economic development.

36. Speaking before the Special Political and Decolonization Committee (Fourth Committee) at its 3rd meeting, on 7 October 2003 (see A/C.4/58/SR.3), the representative of New Zealand outlining recent developments in Tokelau, noted that the Joint Statement on the Principles of Partnership, a document of a political rather than legal nature, was intended to give Tokelau some certainty and confidence as it worked towards self-determination. Another development was the establishment of a Tokelauan Trust Fund, to which Tokelau and New Zealand had already contributed more than NZ$ 6 million (US$ 3.6 million). In addition, the General Fono had discussed the proposal to delegate the Administrator's powers to the three Village Councils. If all went well, on 1 July 2004, the three Village Councils would be given responsibility for the full range of public services at the village level. In turn, the Village Councils would delegate to the General Fono responsibility for decision-making at the national level. In close consultation with all concerned, a Commission of Inquiry was currently reviewing the capacity of the Village Councils to manage their public services in key areas such as health, education, economic development and shipping.

37. He noted that in the past few weeks agreement had been reached on a restructuring of the New Zealand end of the Tokelau operation. The aim was to provide a "one-stop shop" designed to enhance the effectiveness and the coherence of their dealings with Tokelau and to simplify matters for Tokelau. All New Zealand Public Service departments had recently been instructed by the New Zealand Government to provide ongoing administrative and technical assistance to Tokelau, to be managed through a central coordination point in the New Zealand Public Service. He stated that an early requirement was to develop information material on the three options available to Non-Self-Governing Territories. His Government in cooperation with UNDP would be working to accomplish that goal. Tokelau was participating in that process, he noted, stating that a series of constitutional workshops had been organized.

B. Position of the people of Tokelau

38. At the 10th meeting of the Special Committee, on 23 June 2003, the Ulu-o-Tokelau, Kolouei O'Brien, made a statement (see A/AC.109/2003/SR.10). He said that at the current stage, Tokelau needed practical details of the implications of an act of self-determination and that he hoped the administering Power and the Committee would listen to Tokelau's views with regard to the pace of the process of exercising the right to self-determination. Much had happened in the last year, including the spelling out of the relationship with the administering Power, known as the Principles of Partnership between New Zealand and Tokelau. Tokelau was grateful to New Zealand for its efforts to formally express the principles underpinning the unique relationship between the two countries. The Principles of Partnership provided a firm foundation for Tokelau's ongoing development.

39. He said that a review of annual budget support to Tokelau had been completed and endorsed by both Tokelau and New Zealand. A feature of the new budget process was that it allowed Tokelau to allocate resources in accordance with its own priorities, including in the areas of health, education, village support, shipping and economic development. The review was used as a basis for the 2003-2004 budget allocation of some NZ$ 8.6 million. In February, Tokelau had met with UNDP, the Territory's second major donor, to discuss Tokelau's Country Programme for 2003-

2007. The year 2003 marked the beginning of a new funding cycle, and the underlying principle for the next cycle was capacity-building to enhance services, support and decision-making structures. The key focus was to prioritize economic and private sector development. A total of some NZ$ 487,000 would be available to fund projects.

40. He said that in the last cycle, UNDP funding resources had assisted in the good governance and sustainable livelihood areas under the general umbrella of the Modern House project. Economic development remained a high priority. A new directorate to manage the Economic Development Unit had been included in the new budget. To avoid a piecemeal approach to the development of fisheries, all fisheries proposals would be considered within the context of the strategic tuna management plan. To assist in the management of governmental activities, a Planning and Monitoring Unit would be established.

41. He said that the process for the formal establishment of the Tokelau Trust Fund was also well under way. In January, the General Fono had passed a law for that purpose. Dialogue between Tokelau and New Zealand would be conducted in September and October, with a view towards formal signing of an agreement in November. The period under review was marked by increased activities in regional and international cooperation, especially with Tokelau's closest neighbour, Western Samoa. In March, the first formal visit by a Samoan Prime Minister to Tokelau had taken place, a historical event, and a Cooperation Arrangement had been signed, making it possible for the two countries to agree on an annual programme of activities in education, shipping, economic cooperation and so on. In April 2003, the Director-General of the Secretariat of the Pacific Community had visited Tokelau, and it was agreed that a senior member of the Secretariat of the Pacific Community would act as a focal point for Tokelau programme activities, focusing on community health, youth, women, fisheries and cultural development.

42. The Ulu mentioned that village consultations were currently under way on constitutional developments. The aim of the consultations was to assist the Council of Faipule to set an agenda for the upcoming September Constitutional Conference. Options for self-determination and governance arrangements would be part of the agenda. Devolution of authority to villages and traditional institutions was key to the future of Tokelau.

Notes

[1] Updated information contained in the present paper has been derived from information transmitted to the Secretary-General by the Government of New Zealand on 15 January and 19, 23 and 25 February 2004, from organizations of the United Nations system and from published sources.

[2] As at 7 April 2003, NZ$ 1.00 was equivalent to US$ 0.53.

[3] UNDP programme of assistance to Samoa, Cook Islands, Niue and Tokelau, March 2001.

[4] Press release, "History in the making" (February 2002), and information transmitted by the Administrator of Tokelau.

[5] UNDP, Pacific Human Development Report, 1999.

[6] Information from WHO, 19 March 2001.